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THE HONORABLE JOHN E. BRIDGES

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

v.

King County et al.,

Respondents,

and

Washington State Democratic Central
Committee,

Intervenor-Respondent.

NO. 05-2-00027-3

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE'S MOTION
FOR COSTS UNDER RCW 29A.68.060

CONTENTS

I.	INTRODUCTION.....	1
II.	BACKGROUND.....	1
A.	The Court Confirmed the 2004 Election of Governor Gregoire.	1
B.	WSDCC Incurred Substantial Costs in Defending Against Petitioners' Failed Claims.....	2
1.	Costs Relating to Election Records.....	2
2.	Costs Relating to Felon and Other Illegal Voter Records.	2
3.	Costs Relating to Depositions.....	3
III.	ANALYSIS AND AUTHORITY.....	4
A.	WSDCC Is Entitled to Recover Costs Pursuant RCW 29A.68.060.	4
B.	WSDCC Is Entitled To Recover All Costs Allowable Under RCW 4.84.010.....	5
1.	Costs Relating to Election Records.....	6
2.	Costs Relating to Felons and Other Illegal Voters.....	6
3.	Costs Relating to Depositions and Trial Testimony	7
4.	Filing Costs.....	7
IV.	CONCLUSION.....	8

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I. INTRODUCTION

On June 6, 2005, this Court resoundingly and unequivocally confirmed the 2004 election of Governor Christine Gregoire and rejected and dismissed Petitioners' election contest challenging her election. The Washington election contest statute specifically provides, in RCW 29A.68.060, that the Court "shall" order Petitioners to pay costs incurred by the other parties in defending against the contest. Moreover, the Washington Supreme Court has recently and expressly held that an intervenor defending against an election contest, as the Washington State Democratic Central Committee ("WSDCC") did in this case, is equally entitled to recover its costs. In the supporting declarations, WSDCC has sought recovery of its statutory "costs," which are a small fraction of the actual costs incurred by the WSDCC (not to mention by the numerous county-respondents) in defending against this action. Those costs are plainly recoverable under the election contest statute. Accordingly, the WSDCC respectfully requests that this Court grant WSDCC's Motion for Costs Under RCW 29A.68.060.

II. BACKGROUND

A. The Court Confirmed the 2004 Election of Governor Gregoire

On January 7, 2005, Petitioners filed their Election Contest Petition, seeking to invalidate the 2004 election of Governor Gregoire. *See generally* Petition. The Petition named as respondents all thirty-nine counties in Washington, their respective auditors, the Secretary of State, and Speaker of the House. *Id.* The Petition alleged errors by all county respondents. Petition ¶ VI.A. On January 12, 2005, the Court entered a stipulated order, signed by Petitioners, permitting WSDCC to intervene in the action. On February 4, 2005, the county and auditor respondents were dismissed, although both Petitioners and WSDCC

continued to seek documents and information from these counties by way of Public Disclosure Act requests and subpoenas. Court's February 4, 2005 Oral Decision, Verbatim Report of Proceedings; Declaration of Kevin J. Hamilton in Support of WSDCC's Motion for Costs ("Hamilton Decl.") ¶ 3. At the conclusion of trial, and after presentation of evidence by WSDCC, the Court rejected all of Petitioners' claims, dismissed the Petition with prejudice, and affirmed Governor Gregoire's election.

The Court concludes that the election contest petition should be dismissed with prejudice and the certification of Ms. Gregoire as governor confirmed.

Tr. Vol. 10, 2209:9-11.

B. WSDCC Incurred Substantial Costs in Defending Against Petitioners' Failed Claims

1. Costs Relating to Election Records

As the Court knows through the presentation of the parties' evidence at trial, because of the breadth of Petitioners' claims, this contest necessitated significant document discovery from counties and their auditors. Hamilton Decl. ¶ 3. Every county in the state, pursuant to WSDCC's requests, ultimately produced reports and records (poll books, voter crediting and reconciliation reports, auditor summary reports of election, certifications provided to the Secretary of State, etc.) related to administration and accounting for the results of the 2004 gubernatorial election. As is detailed in the attached declaration, WSDCC paid counties and their auditors \$25,544.14 for costs incurred to obtain these reports and records.

Hamilton Decl. ¶¶ 3, 4, Ex. A.

2. Costs Relating to Felon and Other Illegal Voter Records

Similarly, because of Petitioners' claims regarding felon and other illegal voters, voluminous amounts of certified court documents and papers were necessary to either

confirm or, in many instances, rebut the Petitioners' claims that certain individuals had voted illegally. Declaration of Noel Frame ("Frame Decl.") ¶ 2. As the Court set forth in its May 2, 2005, pre-trial ruling, for felon voters specific elements of proof were required in order for the parties to satisfy their burden of proof. Court's May 2, 2005 Oral Decision, Verbatim Report of Proceedings. To satisfy these elements (or to demonstrate that Petitioners had not satisfied them) official court records were required for each of the hundreds of alleged illegal voters identified by the parties. Certified copies were necessary for admission into evidence, and so were required for a great number of these documents, at costs of \$1.00 - \$2.00 per page. Frame Decl. ¶ 3(a). WSDCC incurred \$11,191.03 in total costs to obtain documents and records regarding illegal voters. *Id.* ¶¶ 3, 4, Exs. A, B.

3. Costs Relating to Depositions

WSDCC also incurred costs in obtaining and presenting testimonial evidence. In addition to document discovery, depositions of election officials and counties, expert witnesses, the Secretary of State's office, and several voters, were taken prior to trial and tendered into evidence at trial. Hamilton Decl. ¶ 5. Because the Petitioners sought, and the Court permitted, trial and discovery to occur on an expedited basis, multiple depositions occurred on the same day throughout the State. *Id.* Ultimately, the parties designated 1,804 pages of deposition testimony for use at trial; the transcription costs for those depositions pages totaled \$6,076.60. *Id.* ¶¶ 5, 6. Ex. B.

In addition, during the trial itself, WSDCC subpoenaed witnesses – predominantly county election officials – to testify regarding the 2004 gubernatorial election. WSDCC paid the necessary statutory witness fees, mileage, and hotel costs for the appearance of those witnesses at trial. *Id.* ¶ 7, Ex. C (identifying costs incurred for trial witnesses).

III. ANALYSIS AND AUTHORITY

A. WSDCC Is Entitled to Recover Costs Pursuant RCW 29A.68.060

Under RCW 29A.68.060, when the Court confirms the results of a challenged election, the contestant is required to pay the costs incurred in defending against the contest. RCW 29A.68.060 provides:

If the [election contest] proceedings are dismissed for insufficiency, want of prosecution, or the election by the court is confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party charged with the error or omission.

Id. The language of RCW 29A.68.060 is mandatory. If the election is confirmed, cost "shall be rendered against the party contesting such election." *Id.* (emphasis added). The Court confirmed Governor Gregoire's election, and so the cost provision has been triggered. Tr. Vol. 10, 2209:9-11. Under the clear terms of the statute, Petitioners are obligated to pay costs incurred by the parties in defense of the election contest. WSDCC, as a party, is entitled to recover its costs for its participation in the successful defense of the contest leading to this Court's confirmation of the election.

The Washington Supreme Court has very recently held that intervenors in election contests are permitted to recover their costs pursuant to RCW 29A.68.060. *See Dumas v. Gagner*, 137 Wn.2d 268, 294-95, n.98 (1999). In *Dumas*, the petitioner Nicholas Dumas contested the election of Sue Frost to the office of Port Commissioner in Benton County. *Id.*, 137 Wn.2d at 272. The suit was filed against Benton County's Auditor, but did not name Ms. Frost as a party. *Id.* Ms. Frost, however, the certified winner of the election, intervened in the action in order to defend against the Petitioner's challenge. *Id.* The Supreme Court rejected the contest and confirmed Ms. Frost's election. *Id.* at 295-96.

2 Noting that Ms. Frost, as an intervenor, was "properly before [the] Court as a party," the
3 Court awarded her costs pursuant to RCW 29A.68.060.¹ *Id.* at 294-95, n. 98.

4 Under the plain holding of *Dumas*, WSDCC is entitled to its costs as an intervenor in
5 this action. Just like Ms. Frost, WSDCC intervened in order to defend the certified election
6 of Governor Gregoire.² And just like Ms. Frost, WSDCC participated in the successful
7 defense of the election that was ultimately confirmed by this Court. *Dumas*, 137 Wn.2d at
8 294-95. Under the statute and *Dumas*, therefore, there is no question that Petitioners must
9 pay WSDCC its costs – the only determination for this Court is the total amount that
10 WSDCC is owed.
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19 **B. WSDCC Is Entitled To Recover All Costs Allowable Under**
20 **RCW 4.84.010**
21

22 The Washington Supreme Court has interpreted RCW 29A.68.060 to permit
23 recovery of all costs that fall within the statutory definition of costs set forth in
24 RCW 4.84.010. *Dumas*, 137 Wn.2d at 294-95. Under RCW 4.84.010, the following costs
25 are recoverable:
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30 (1) Filing fees;

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32 (2) Fees for the service of process by a public officer, registered
33 process server, or other means, as follows: (a) When service is by a
34 public officer, the recoverable cost is the fee authorized by law at the
35 time of service; (b) If service is by a process server registered
36 pursuant to chapter 18.180 RCW or a person exempt from
37 registration, the recoverable cost is the amount reasonably incurred in
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43 ¹ At the time of the *Dumas* ruling, RCW 29A.68.060 was codified as RCW 29.65.055; the
44 statutory text of RCW 29A.68.060 is identical to the text of RCW 29.65.055.
45

46 ² Not only did the Court grant WSDCC's intervention, it was stipulated to by the parties
47 including the Petitioners. Hamilton Decl. ¶ 2.

effecting service;

(3) Fees for service by publication;

(4) Notary fees, but only to the extent the fees are for services that are expressly required by law and only to the extent they represent actual costs incurred by the prevailing party;

(5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, which are admitted into evidence at trial or in mandatory arbitration in superior or district court, including but not limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files;

(6) Statutory attorney and witness fees; and

(7) To the extent that the court or arbitrator finds that it was necessary to achieve the successful result, the reasonable expense of the transcription of depositions used at trial or at the mandatory arbitration hearing: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment.

RCW 4.84.010; *see also Dumas*, 137 Wn.2d at 294-95 (identifying RCW 4.84.010 as defining the costs recoverable under RCW 29A.68.060). WSDCC incurred and is owed costs under several of the categories enumerated in RCW 4.84.010.

1. Costs Relating to Election Records

First, WSDCC is owed costs for its "reasonable expenses. . . incurred in obtaining reports and records." RCW 4.84.010(5). Documents and reports from counties and their auditors regarding the 2004 election were critical to WSDCC's defense of Petitioners' contest, and these documents were admitted as evidence at trial. Hamilton Decl. ¶¶ 3, 4,

2
3 Ex. A. The costs incurred in obtaining these documents from counties and their auditors
4 totaled \$25,544.14. That amount should be included in the award of costs.

5 **2. Costs Relating to Felons and Other Illegal Voters.**

6
7 Second, WSDCC incurred costs in obtaining documents related to felons and other
8 illegal voters – both to rebut Petitioners' claims of felon votes and to provide the Court with
9 evidence of offsetting votes to contradict Petitioners' skewed presentation of evidence.
10 These documents were admitted into evidence, through summaries that reflected the
11 voluminous underlying documents. Frame Decl. ¶ 2. The admission of these summaries
12 render the costs of obtaining the underlying documents recoverable. *Austin v. U.S. Bank*, 73
13 Wn.App. 293, 310 (1994) (admission of compilation sufficient to permit recover for costs of
14 obtaining underlying documents); RCW 4.84.010(5). The costs for obtaining these
15 documents, which included costs for certified copies and postage and other mailing fees,
16 totaled \$11,191.03. Frame Decl. ¶¶ 3, 4, Exs. A, B. That amount, too, should be included in
17 the award of costs.
18

19 **3. Costs Relating to Depositions and Trial Testimony**

20
21 Third, Petitioners must pay WSDCC's deposition transcription costs for the portions
22 of those depositions submitted at trial, and for costs related to the subpoena and production
23 of witnesses at trial. RCW 4.84.010(2), (6)-(7). There were 1,804 pages of deposition
24 testimony cross-designated by the parties that were introduced into evidence or used for
25 impeachment purposes. Hamilton Decl. ¶ 5, 6, Ex. B. WSDCC's transcription costs for
26 these depositions, based on the number of pages admitted, totaled \$6,076.60. Likewise,
27 WSDCC issued trial subpoenas, and paid mileage and lodging fees for many witnesses.
28 WSDCC's costs incurred for the production of witnesses at trial totaled \$1,974. *Id.* ¶ 7.
29 These costs should be included in the award of costs.
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4. Filing Costs

Finally, WSDCC incurred costs necessary for the filing of documents. RCW 4.84.010(1). In accordance with Court-ordered protocol for the filing of motions and other documents, WSDCC used the "E-filing" service in order to file documents with the Court. Hamilton Decl. ¶ 8. WSDCC's costs incurred in connection with these filing fees totaled \$2,980.56.

IV. CONCLUSION

Petitioners filed this election contest pursuant to Washington's election contest statute, seeking to overturn the election of Governor Christine Gregoire. Having invoked the jurisdiction of this Court pursuant to RCW Chap. 29A.68, Petitioners cannot dispute that the same statute now controls the allocation of statutory costs. Because the election contest failed and the election of Governor Gregoire has been confirmed, Washington's election contest statute, in unambiguous and controlling language, mandates an award of costs to the respondents in this litigation, including the WSDCC. The WSDCC therefore respectfully submits that its motion should be granted and an award of statutory costs should be entered in favor of the WSDCC in the full amount (\$47,766.33) set forth in the attached supporting declarations.

DATED: June 15, 2005.

PERKINS COIE LLP

By /s/Kevin J. Hamilton

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THE HONORABLE JOHN E. BRIDGES

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CHELAN COUNTY

TIMOTHY BORDERS et al.,

Petitioners,

v.

KING COUNTY et al.,

Respondents.

and

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE,

Intervenor-Respondent.

NO. 05-2-00027-3

**DECLARATION OF KEVIN J.
HAMILTON IN SUPPORT OF
MOTION FOR COSTS**

I, KEVIN J. HAMILTON, declare as follows:

1. I am one of the attorneys representing Intervenor-Respondent Washington State Democratic Central Committee ("WSDCC") in this action. I am over the age of 18,

1 am competent to testify, and make this declaration based on my personal knowledge and the
2 files and records in this matter.
3

4 2. On January 12, 2005, pursuant to agreement by the parties including the
5 Petitioners, this Court signed a Stipulated Order granting WSDCC's motion to intervene in
6 this action.
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10 3. The successful defense of this action by WSDCC required discovery from all
11 thirty-nine counties throughout the State to obtain reports and records related to the 2004
12 gubernatorial election. WSDCC served multiple Public Disclosure Act requests on all
13 counties, and sought additional reports and records via subpoena from selected counties.
14 These documents were either admitted directly into evidence at trial, or were admitted into
15 evidence through the use of summary exhibits, pursuant to ER 1006. That rule, by its terms,
16 requires that "[t]he originals, or duplicates, shall be made available for examination or
17 copying, or both, by other parties at [a] reasonable time and place." Petitioners' counsel
18 emphasized the "30 boxes" of these records that were secured in the basement of the
19 courthouse during trial. Documents drawn from that collection of materials were used
20 during the examination of Noel Frame with respect to the accuracy of Department of
21 Corrections coding. The WSDCC, too, produced several library carts of notebooks
22 containing similar records during trial.
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36 4. WSDCC also incurred expenses in obtaining reports and records related to
37 the 2004 gubernatorial election from these counties, including photocopying costs and
38 related expenses charged by the counties for compiling and providing the requested
39 documents. Attached to this declaration as Exhibit A is a chart reflecting the expenses
40 incurred by WSDCC in obtaining these election reports and records, which were either
41 admitted into evidence directly or through summary exhibits. The total costs incurred by
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1 WSDCC and paid to the counties in obtaining these election reports and records was
2 \$25,544.14. In fact, the WSDCC's actual "costs" were far in excess of this out-of-pocket
3 number. The costs contained on Exhibit A relate solely to the copying costs charged by the
4 counties. In order to locate and obtain these records, the WSDCC hired a team of 20 staff
5 members to travel to every county in the state, to pour through individual case files, to locate
6 necessary records, to work with county officials to obtain copies, and to deliver those
7 materials to a central office in Seattle for review. In this cost bill, the WSDCC has *not*
8 sought recovery for staff salary, telecommunications costs, or mileage – the total of which
9 exceed the more limited \$25,544.14 amount by several orders of magnitude – even though
10 such expenses were necessary in order to obtain those records.
11

12 5. WSDCC also required deposition testimony from election officials and others
13 in order to fully investigate and successfully defend against Petitioners' election contest.
14 Prior to trial more than 40 depositions (of state and county election officials, expert
15 witnesses, and persons who voted in the 2004 gubernatorial election) were taken in this
16 matter. Because of the shortened schedule for discovery, at times more than one deposition
17 took place on a single day. At trial itself, WSDCC, Petitioners and the Secretary of State
18 cross-designated 1804 pages of this deposition testimony.
19

20 6. WSDCC incurred expenses in connection with obtaining this deposition
21 testimony. Attached to this declaration as Exhibit B is a chart reflecting the expenses
22 incurred by WSDCC in obtaining this deposition testimony (including reporting and
23 transcription charges). WSDCC was charged \$4 per page for original depositions noticed by
24 Petitioners, \$2.85 per page for copies of depositions noticed by Petitioners, and \$3.75 per
25 page for depositions it noticed. The total costs incurred by WSDCC in obtaining this
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1 deposition testimony, based on the number of transcript pages admitted into evidence, was
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3 \$6,076.60.


4 7. Prior to trial, WSDCC subpoenaed numerous counties and their election
5 officials to testify. This testimony was offered to rebut the presentation of evidence by
6
7 Petitioners, who focused predominantly on King County. WSDCC incurred expenses for
8
9 service of these subpoenas, statutory witness fees for those persons called to trial, mileage,
10
11 and lodging expenses for these witnesses. The total costs incurred by WSDCC in serving
12
13 these subpoenas and securing the appearance of these witnesses was \$1,974.00.
14

15 8. WSDCC also incurred costs in order to file and serve documents via the "E-
16
17 Filing" service that was mandated by the Court in its January 20, 2005 Order and agreed to
18
19 by the parties. WSDCC incurred expenses in connection with filing documents via the E-
20
21 Filing service. The total costs incurred by WSDCC for filing documents was \$2,980.56.
22

23 9. All told, the expenses incurred by WSDCC in obtaining election reports and
24
25 records, obtaining deposition testimony, issuing subpoenas and securing attendance of
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27 witnesses at trial, and filing fees, is reflected and itemized in Exhibits A through B attached
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29 to this declaration and totals \$36,575.30.
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34 **I declare under penalty of perjury under the laws of the**
35 **State of Washington that the foregoing is true and correct.**
36

37 EXECUTED at Seattle, Washington, this 15th day of June, 2005
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Kevin J. Hamilton

EXHIBIT A

[illegible]

EXHIBIT B

WSDDC
Cost for Designated Deposition Excerpts

Deponent	Number of Designated Pages	Cost
Adelstein, Debbie (Whatcom County)	21	\$78.75
Campbell, Darren	4	\$15.00
Chilton, Brenda; Christopher, Susie (Benton County)	11	\$41.25
Dalton, Vicky (Spokane County)	5	\$18.75
Eldridge, Donna (Jefferson County)	9	\$33.75
Fell, Garth	266	\$1,064.00
Gilmore, Dolores	8	\$30.00
Gray, Timothy; Lamm, Beverly (Stevens County)	18	\$67.50
Higginbotham, Sue	11	\$41.25
Huennekens, Bill	136	\$387.60
Knutson, Mark	5	\$18.75
Kwan, Colleen	178	\$507.30
LaCour, Anne (Island County)	9	\$33.75
Likness, Tim	17	\$63.75
Logan, Dean	199	\$567.15
Manning, Katrina; Martin, Karen (Walla Walla County)	30	\$112.50
Mauch, Wendy (Snohomish County)	10	\$37.50
McBroom, Nancy (Adams County)	23	\$86.25
McCarthy, Patricia (Pierce County)	116	\$464.00
Moore, Lisa	30	\$112.50
Moore, Vicki Lee (King County)	45	\$168.75
Nause, William	9	\$33.75
Nieland, Libby (Cowlitz County)	6	\$22.50
Reed, Sam	158	\$592.50
Rice, Kimberly	16	\$60.00
Sanchez, Linda	194	\$552.90
Schneider, John	17	\$63.75
Way, Nicole	164	\$467.40
Webb, Carlos	72	\$270.00
Welsh, Arthur	9	\$33.75
Witte, Vernon	8	\$30.00
Total	1804	\$6,076.60

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THE HONORABLE JOHN E. BRIDGES

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CHELAN COUNTY

TIMOTHY BORDERS et al.,

 Petitioners,

 v.

KING COUNTY et al.,

 Respondents.

 and

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE,

 Intervenor-Respondent.

NO. 05-2-00027-3

**DECLARATION OF
NOEL C. FRAME**

I, NOEL C. FRAME, declare as follows:

1. Since May 2004, I have been employed by Intervenor-Respondent
Washington State Democratic Central Committee ("WSDCC") in various capacities for

1 various periods. Most recently, I managed a team of approximately 20 people who were
2 researching potential illegal voters across Washington State.

3
4 2. On June 2, I testified in the trial of this case regarding my team's efforts and
5 their results, summaries of which were offered by WSDCC and admitted into evidence
6 during my testimony. These three summary exhibits listed almost 700 names of persons
7 believed to have voted illegally in the November 2004 general election. For each such
8 person, the WSDCC collected several different types of reports and records relating
9 generally to whether a voter has been convicted of a felony, whether that person had his or
10 her voting rights restored before the November 2004 General Election, and whether that
11 person voted in the November 2004 General Election. For most of these people, we
12 collected between 10 and 50 pages of documents; for many, we collected more, often
13 between 75 and 100 pages of documents. Staff working at my direction on WSDCC's behalf
14 spent between four and seven weeks traveling to all 39 counties to obtain the necessary
15 reports and records, reviewing those records, and compiling exhibits for filing with the
16 Court.
17

18 3. My team incurred substantial expense in obtaining the reports and records
19 that were summarized by the exhibits admitted into evidence. Specifically:

20 (a) In order for documents to be admissible in court, my team collected certified
21 copies of the reports and records reflected in the summary exhibits from the various
22 counties. The counties typically charged between \$1 and \$2 per page. Some counties
23 charged WSDCC for "research time," which amounted to the county staff time necessary to
24 obtain the reports and records. In total, WSDCC expended \$ 10,451.09 in research and
25 certified copy costs to obtain reports and records from the counties that were admitted at
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1 trial through the summary exhibits. True and correct copies of the documents showing those
2 costs, together with a table summarizing the documents, are attached hereto as Exhibit A.
3

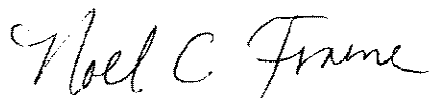
4 (b) After obtaining certified copies of reports and records, my team members would
5 mail those copies back to the Seattle operations base for review and organization. In total,
6 WSDCC expended \$ 739.94 in mail and courier costs to obtain reports and records from the
7 counties that were admitted at trial through the summary exhibits. True and correct copies
8 of the documents showing those costs are attached hereto as Exhibit B.
9

10 4. The costs incurred directly by WSDCC in obtaining records related to felon
11 and other illegal voters, as reflected and itemized in Exhibits A through B attached to this
12 declaration, were \$ 11,191.03.
13

14
15 **I declare under penalty of perjury under the laws of the**
16 **State of Washington that the foregoing is true and correct.**
17

18 EXECUTED at Seattle, Washington, this 15th day of June, 2005
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Noel C. Frame

EXHIBIT A

WSDCC

[illegible]

EXHIBIT B

Service	Date	Amount	Purpose
United Parcel Service	4/14/2005	\$15.53	Southwest WA county clerk research
United Parcel Service	4/19/2005	\$18.89	Southwest WA county clerk research
United Parcel Service	4/19/2005	\$21.90	Southwest WA county clerk research
United Parcel Service	4/19/2005	\$17.79	Eastern WA county clerk research
United Parcel Service	4/20/2005	\$20.81	Eastern WA county clerk research
United Parcel Service	4/20/2005	\$15.33	Eastern WA county clerk research
United Parcel Service	4/21/2005	\$20.81	Southwest WA county clerk research
United Parcel Service	4/22/2005	\$10.91	Southwest WA county clerk research
Federal Express	4/25/2005	\$18.48	Grant County Clerk Research
United Parcel Service	4/26/2005	\$18.62	Peninsula county clerk research
United Parcel Service	4/26/2005	\$15.33	Southwest WA county clerk research
United Parcel Service	4/26/2005	\$17.79	Eastern WA county clerk research
United Parcel Service	4/26/2005	\$10.76	Southwest WA county clerk research
United Parcel Service	4/26/2005	\$15.33	Eastern WA county clerk research
Federal Express	4/27/2005	\$14.48	Thurston County Clerk Payment
Federal Express	4/27/2005	\$23.97	Yakima County Clerk Research
Federal Express	4/27/2005	\$22.89	Clark County Clerk Research
United Parcel Service	4/27/2005	\$20.81	Southwest WA county clerk research
United Parcel Service	4/27/2005	\$15.33	Peninsula county clerk research
United Parcel Service	4/27/2005	\$15.33	Southwest WA county clerk research
United Parcel Service	4/27/2005	\$10.35	Central WA county clerk research
United Parcel Service	4/27/2005	\$10.25	Peninsula county clerk research
United Parcel Service	4/27/2005	\$11.53	Eastern WA county clerk research
Federal Express	4/28/2005	\$20.99	Yakima County Clerk Research
Federal Express	4/28/2005	\$18.76	Spokane County Clerk Research
United Parcel Service	4/28/2005	\$22.72	Eastern WA county clerk research
United Parcel Service	4/28/2005	\$12.85	Central WA county clerk research
United Parcel Service	4/28/2005	\$10.91	Southwest WA county clerk research
United Parcel Service	4/28/2005	\$6.02	Eastern WA county clerk research
United Parcel Service	4/28/2005	\$24.91	Central WA county clerk research
United Parcel Service	5/2/2005	\$17.79	Eastern WA county clerk research
United Parcel Service	5/2/2005	\$10.46	Eastern WA county clerk research
United Parcel Service	5/2/2005	\$10.13	Eastern WA county clerk research
United Parcel Service	5/3/2005	\$26.83	Eastern WA county clerk research
United Parcel Service	5/4/2005	\$17.79	Legal documents sent to Perkins Coie
United Parcel Service	5/4/2005	\$27.65	Southwest WA county clerk research
United Parcel Service	5/4/2005	\$19.71	Legal documents sent to Perkins Coie
United Parcel Service	5/4/2005	\$5.18	Grant County Clerk Research
United Parcel Service	5/6/2005	\$19.71	Legal documents sent to Perkins Coie
United Parcel Service	5/9/2005	\$15.33	Southwest WA county clerk research
United Parcel Service	5/9/2005	\$17.79	Legal documents sent to Perkins Coie
United Parcel Service	5/13/2005	\$2.46	Chelan County Clerk sending research documents
United Parcel Service	5/13/2005	\$33.40	Legal documents sent to Perkins Coie
United Parcel Service	5/24/2005	\$15.33	Southwest WA county clerk research
TOTAL		\$739.94	

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THE HONORABLE JOHN E. BRIDGES

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

v.

King County et al.,

Respondents,

and

Washington State Democratic Central
Committee,

Intervenor-Respondent.

NO. 05-2-00027-3

CERTIFICATE OF SERVICE

The undersigned is a citizen of the United States and resident of the State of
Washington, is over the age of 18 years and is not a party to the within action.

CERTIFICATE OF SERVICE - 1

[/DOCUMENT.01]

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

The following documents were caused to be served:

1. Washington State Democratic Central Committee's Motion for Costs Under RCW 29A.68.060;
2. Declaration of Kevin J. Hamilton in Support of Motion for Costs;
3. Declaration of Noel C. Frame; and
3. Certificate of Service.

These documents were served in the manner described below.

Thomas F. Ahearne	<input type="checkbox"/>	E-Service Via E-Filing.com
Foster Pepper & Shefelman PLLC	<input checked="" type="checkbox"/>	Via Electronic Mail
1111 Third Avenue, Suite 3400	<input type="checkbox"/>	Via Overnight Mail
Seattle, WA 98101-3299	<input type="checkbox"/>	Via U.S. Mail, 1 st Class, Postage
Email: ahearne@foster.com		Prepaid
<i>Attorneys for Respondent Secretary of State</i>	<input type="checkbox"/>	Via Facsimile
<i>Sam Reed</i>		
Jeffrey T. Even, Assistant Attorney General	<input type="checkbox"/>	E-Service Via E-Filing.com
P.O. Box 4100	<input checked="" type="checkbox"/>	Via Electronic Mail
Olympia, WA 98504-0100	<input type="checkbox"/>	Via Overnight Mail
Email: jeffe@atg.wa.gov	<input type="checkbox"/>	Via U.S. Mail, 1 st Class, Postage
<i>Attorneys for Respondent Secretary of State</i>		Prepaid
<i>Sam Reed</i>	<input type="checkbox"/>	Via Facsimile
Harry J.F. Korrell	<input type="checkbox"/>	E-Service Via E-Filing.com
Robert Maguire	<input checked="" type="checkbox"/>	Via Electronic Mail
Davis Wright Tremaine LLP	<input type="checkbox"/>	Via Overnight Mail
2600 Century Square, 1501 Fourth Avenue	<input type="checkbox"/>	Via U.S. Mail, 1 st Class, Postage
Seattle, WA 98101		Prepaid
Email: harrykorrell@dwt.com ;	<input type="checkbox"/>	Via Facsimile
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9 *Attorneys for Respondent Snohomish*
10 *County*
11
12
13

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☐ Via Overnight Mail
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Prepaid
☐ Via Facsimile

14 I declare under penalty of perjury that the foregoing is true and correct, and that this
15 certificate was executed in Seattle, Washington on June 15, 2005.
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22 By 
23 Cindy Anderson
24 Legal Secretary
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